

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x

HUGUES-DENVER AKASSY,

Plaintiff,

-v-

No. 14-cv-1725-LTS

THE NEW YORK DAILY NEWS and
SHAYNA JACOBS,

Defendants.

-----x

ORDER

Plaintiff has moved pro se for an extension of time to file a notice of appeal.

(Docket Entry No. 80.) Plaintiff seeks to appeal the Court's Memorandum Order denying Plaintiff's motion for reconsideration ("Reconsideration Order"), dated June 7, 2017. (Docket Entry No. 74.) On March 22, 2018, Plaintiff wrote a letter to the Court indicating that he had not received a copy of the Reconsideration Order, and that he wished to appeal that decision.

(Docket Entry No. 76.) On April 2, 2018, the Court reopened Plaintiff's time to file a notice of appeal pursuant to Federal Rule of Appellate Procedure 4(a)(6), and directed the Clerk of Court to mail a copy of the Reconsideration Order to Plaintiff (Docket Entry No. 77.) Sixteen days later, on April 18, 2018, Plaintiff filed his notice of appeal. (Docket Entry No. 78.)

Plaintiff's motion for an extension of time to file a notice of appeal is untimely under Federal Rule of Appellate Procedure 4(a)(6) and 28 U.S.C. § 2107(c) because (i) more than 180 days have passed since the Reconsideration Order was entered, and (ii) because more than 14 days have passed since Plaintiff received notice under Federal Rule of Civil Procedure 77(d) of the entry of that Order. The requirement to "appeal within the prescribed time is

mandatory and jurisdictional.” Bowles v. Russell, 551 U.S. 205, 209 (2007). This Court “has no authority to create equitable exceptions to jurisdictional requirements.” Id. at 214. Thus, because all relevant time periods for Plaintiff’s appeal have expired, the Court is unable to grant his request. Plaintiff’s motion is therefore denied.

Docket Entry No. 80 is resolved.

SO ORDERED.

Dated: New York, New York
November 2, 2018

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
United States District Judge

Copy Mailed To:

Hugues-Denver Akassy
DIN #: 11A5580
Clinton Correctional Facility
P.O. Box 2001
Dannemora, New York 12929